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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN ENSIGN, a Senator from the State of Nevada.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Great King above all Gods, Your anger is but for a moment and Your favor is for a lifetime. You satisfy those who are thirsty and fill the hungry with good things.

We thank You for this great land where we have freedom to worship You without limitations or censor. We praise You for the freedom we find in Your presence and for Your power to liberate us from debilitating habits and addictions. Today, bless our lawmakers in their work. Use them to eradicate the barriers that divide us. Make their diligent labors enable us to live in justice and peace.

Lord, whatever light may shine or shadow fall, help us all to meet life with steady eyes and to walk in wisdom until we reach our journey's end. We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JOHN ENSIGN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 15, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN ENSIGN, a Senator from the State of Nevada, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. ENSIGN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, today we will have a 30-minute period of morning business which will be equally divided between the aisles. After that time we will begin debate on the motion to proceed to the USA PATRIOT Act. Last night there was an objection from the Democratic side to my unanimous consent request to begin consideration of that bill and, because of that objection from the other side of the aisle and expected filibuster, I was forced to file cloture on the motion to proceed. That motion is debatable, and I will alert my colleagues on the other side of the aisle that they will need to remain on the floor during this motion.

We only have a few days remaining before the Presidents Day recess, and we need to get to the substance of the underlying bill, the PATRIOT Act. Members have a right to filibuster proceeding to that measure, but I believe we will be able to invoke cloture by a wide margin, again, showing wide support for this important piece of legislation. I will announce the exact timing of the cloture vote when we have that locked in, but it could be as early as 1 o'clock in the morning when we could

hold that vote. We will be in discussions with the Democratic leader in terms of the time of that vote and we will be able to announce that later today.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK.) Without objection, it is so ordered.

### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Nevada is recognized.

### ECONOMIC GROWTH

Mr. ENSIGN. Mr. President, my home State of Nevada is a State that is friendly to business. We pride ourselves on the opportunities that businesses have to thrive and grow in our State, while providing an excellent quality of life for employees and their families. As chairman of the Republican High Tech Task Force, I come into contact with many companies, all who hear my pitch for why they should expand into Nevada. But as good as businesses have it in Nevada, or if they move to Nevada, what we do here in Washington, DC will ultimately help make or break their success. And when businesses fail to thrive, so does our economy.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Investors in a business in California may be sitting down today to determine whether their 2-year plan includes expanding to Nevada with, for instance, a manufacturing plant that will employ 200 people. They are excited about the possibilities, but there are too many blank spaces when it comes time to crunch the numbers. Weighing heavily in their calculations, they are concerned that the current dividends and capital gains tax rates will expire in 2008. Because of the uncertainty of those critical factors, they are leery about the prospects.

They will make that decision about expanding and reinvesting in their businesses today. Not next year and not the year after that. Today. But we have tied one hand behind their back. We are standing in the way of their growth and potential if we do not extend the dividends and capital gains tax rates. They need that assurance today so that they can expand, create jobs, and help our economy continue to grow.

The economic growth we have seen since lower tax rates were enacted in the Jobs and Growth Tax Relief Reconciliation Act of 2003 is exactly why we must extend the rates. Dividend distributions are up. Corporate investment in new property, plant, and equipment has surged. The economy has grown for 10 consecutive quarters.

These are impressive results, and they are not just about business succeeding. The impact is being felt by families, seniors, and low-income individuals. With more than 50 percent—50 percent—of American households owning stocks or mutual funds, the reach of dividends and capital gains rates is significant. Today, many senior citizens rely on dividends and capital gains to supplement their Social Security. And lower and middle-income families are benefiting as well.

Without this extension, our economy will take a hit, and so will working families across Nevada. Instead of closing doors on them, we need to create certainty in our Tax Code and opportunity for our economy. Although the tax rates don't expire until 2008, we don't have the luxury of waiting 2 years to extend this. By then, too many investors and businesses will have made their decisions not to grow, not to build, and not to hire. It will be too late.

We are part of a global economy that is constantly moving and changing. If we don't allow investment to fuel our competitiveness and innovation, we will pay the price, and so will future generations.

It is not just one business in California deciding whether to move to Nevada, and it is not just the 200 employees who could have found work there; it is about investors and companies across our Nation and it is about working families throughout this country, and it is about the future of our economy.

There aren't many factors that Congress controls when it comes to capital

and business investment. This is one of them, and we must join together to ensure continued economic growth.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

#### THE ECONOMY

Mr. THOMAS. Mr. President, I come to the floor also to talk about where we are and, more importantly, where we need to go with respect to the economy that impacts all of us in various ways. It seems appropriate to emphasize some of the key points about the health of our economy, about what is doing very well, and about what we need to be working on now to ensure that this continues, and also to have 20/20 vision about where we want to be and what we need to do to get there.

I am disappointed about the slowness in our moving this year and a certain amount of obstructionism that seems to be going on in terms of moving forward. Nevertheless, we ought to keep in mind that over the last year, we have been able to accomplish a great deal and the challenge is there to move forward.

We have been able to keep the taxes relatively low, which, obviously, is a key factor in our economy, and we need to make sure it continues that way. We have certainly been able to do what is necessary to work toward having a strong health care program in this country, and that is a great challenge for us. We did do something last year with pharmaceuticals, making them available, and even though the process was a little difficult, now we are seeing great increases in the number of people who are able to obtain pharmaceutical drugs at a more reasonable rate.

We have assured that there will be more opportunities for job training and training in technologies so that we will have more research and will be able to continue to lead the world in terms of our economy.

I think one of the more important things we did last year was to pass an energy bill that gives us some direction in terms of one of the most important elements of our economy. There were other accomplishments as well last year. We passed legislation to end frivolous lawsuits, which has had a great impact on many aspects of our economy. We put some judges in place with a fair process.

We need to be reminded sometimes of how well our economy is doing in terms of real growth. The GDP growth experienced in 2005 was at a rate of 3.5 percent for the year as a whole, while inflation remained at 2 percent. So that is very good. Those are very good numbers, and it is better than what we have experienced over a number of years, and certainly it is exactly what we want to do.

Real disposable income rose at 4 percent in December. We are up 1.4 percent for the year 2005. The aftertax in-

come per person has risen almost 8 percent. Real household net worth is at an all-time high. This is good, and we need to make sure we understand that.

Retail sales have risen, again, 7 percent in December and 6.4 percent for the whole year. So that is very good.

Employment growth remains high. Employers created 2 million new jobs in 2005, resulting in a less than 5-percent unemployment rate at the end of the year.

Since 2003, when the tax cut went into effect, there have been almost 5 million new jobs created. That is a good sign, and we ought to understand it is the impact of that tax cut. Job growth is often affected and impacted, as is the total economy, by what we do with taxes. We have a great deal of controversy about it, of course. When we have the unusual expenses of the war on terrorism and of Katrina, it makes it difficult as we look at our budget. But the fact is the discretionary part of the budget has been held down. We need to get the job completed in Iraq, complete our work there and reduce that spending and bring our troops home. All of us want to do that.

The point I want to make is we have had a very favorable impact from what has been done over the last couple of years, and the thing we are seeking to do right now is continue those tax reductions that will strengthen the economy and continue to help. As I said, employment remains high. That is good. Job creation is what we want to do. We have to deal with immigration, of course. Even though we do need immigrants and workers here, we need to be legal. But we have this job creation thing that we need to continue to work on.

One of the real challenges we have before us is to deal some more with energy. As I said, last year we passed energy policies that I think were excellent. Now, of course, we have to implement those policies. We dealt last year with the question of alternative fuels in the future, whether we will be able to use wind energy, be able to use bioenergy, be able to use ethanol, all of these kinds of things. Those are future activities, and we will be able to do that. That challenge is to have the technology and the funding for the research to be able to move into those fields. That is something we can do and indeed we must do.

Coupled with that is another challenge. Those changes are going to be over a relatively long time, at least several years, where we are faced immediately with shortages and dependence on world production and with costs. We are working on a budget that will provide funding for doing research in the short term.

There are opportunities, for instance, in Wyoming and many of the energy production States where we have new sources of fairly immediate energy. We can do some things with coal, for example, our largest fossil fuel. We can make some conversions from coal into